

REMARKS

This Application has been carefully reviewed in light of the Official Action mailed August 3, 2004. In order to advance prosecution of the present Application, Claims 1, 2, 6-8 12-14, 18-20, 24-26, and 30 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

The drawings stand objected to under M.P.E.P. §608.02(g) for not including a legend "Prior Art" on FIGURES 1 and 2. Attached herewith is a corrected drawing sheet and a replacement drawing sheet that add the legend "PRIOR ART" to FIGURES 1 and 2. Therefore, Applicant respectfully submits that the drawings are in accordance with M.P.E.P. §608.02(g).

Claims 1, 7, 19, and 25 stand objected to for a minor informality. Claims 1, 7, 19, and 25 have been amended to address the informality identified by the Examiner.

Claims 1, 3-5, 7, 9-11, 13, 15, 16, 19, 21, 22, 25, and 27-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lee, et al. in view of Muszynski. Independent Claims 1, 7, 13, 19, and 25 recite in general the ability to relocate the call anchor function for the data to a different device in the communication system during data transmission to and from mobile units in response to a communication characteristic of the data. By contrast, the Lee, et al. patent discloses performing inter-system soft handoff for a call but maintains its call anchor at a specific base station controller during the entire call and never relocates the call anchor function to a different device during the call. Thus, the Lee, et al. patent does not relocate the call anchor function to a different device during data transmission to and from mobile units as provided in the claimed invention. The Muszynski patent discloses performing inter-exchange handoffs using a centralized anchor at its

mobile switching center. Thus, the Muszynski patent does not relocate the call anchor function to a different device during data transmission to and from mobile units as provided in the claimed invention. Support for the above recitation can be found at page 10, lines 8-17, of Applicant's specification. Therefore, Applicant respectfully submits that Claims 1, 3-5, 7, 9-11, 13, 15, 16, 19, 21, 22, 25, and 27-29 are patentably distinct from the proposed Lee, et al. - Muszynski combination.

Claims 6, 12, 18, 24, and 30 stand rejected under 35 U.S.C. §102(b) as being anticipated by Lee, et al. Independent Claims 6, 12, 18, 24, and 30 recite in general the ability to relocate the call anchor function for the data to a different device in the communication system during data transmission to and from the mobile unit in response to a communication characteristic of the data. By contrast, as discussed above, the Lee, et al. patent discloses performing inter-system soft handoff for a call but maintains its call anchor at a specific base station controller during the entire call and never relocates the call anchor function to a different device during the call. Thus, the Lee, et al. patent does not relocate the call anchor function to a different device during data transmission to and from mobile units as provided in the claimed invention. Therefore, Applicant respectfully submits that Claims 6, 12, 18, 24, and 30 are not anticipated by the Lee, et al. patent.


Applicant notes with appreciation the allowability of Claims 2, 8, 14, 20, and 26 if amended into appropriate independent form. Claims 2, 8, 14, 20, and 26 have been amended into independent form as suggested by the Examiner. Therefore, Applicant respectfully submits that Claims 2, 8, 14, 20, and 26 are in condition for allowance.

With the presentation of five new independent claims, an additional filing fee is due. Attached herewith is a check made payable to the "Commissioner of Patents and Trademarks" in an amount of \$440.00 to satisfy the excess independent claims fee of 37 C.F.R. \$1.16(b).

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,  
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